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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
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| 10/782,570   | 02/19/2004  | Nadine Carozzi       | 045600/274144               | 5780             |
| 826  | 7590        | 07/22/2008           |                             |                  |
| ALSTON & BIRD LLP<br>BANK OF AMERICA PLAZA<br>101 SOUTH TRYON STREET, SUITE 4000<br>CHARLOTTE, NC 28280-4000 |             |                      | EXAMINER<br>KUBELIK, ANNE R |                  |
|  |             |                      | ART UNIT                    | PAPER NUMBER     |
|  |             |                      | 1638                        |                  |
|  |             |                      | MAIL DATE                   | DELIVERY MODE    |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*Request for Information under 37 CFR § 1.105*

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This request is being made for the following reasons:

Applicant is claiming a nucleic acid with 90% identity to a nucleic acid isolated from *Bacillus thuringiensis* strain ATX13026, but the instant specification is silent about the source of *B. thuringiensis* strain ATX13026. The requested information is required to make a meaningful and complete search of the prior art.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i) What is the source of *B. thuringiensis* strain ATX13026? Please supply all of the designations/denominations used for this strain.

(ii) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had said *B. thuringiensis* strain ATX13026 been disclosed or made publicly available? If so, under what designation/denomination and under what conditions were said strain been disclosed or made publicly available and from when to when?

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP § 724.02 when submitting the requested information.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by

Art Unit: 1638

providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. Please indicate where the relevant information can be found.

The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to the fee and certification requirements of 37 CFR § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.

The central fax number for official correspondence is (571) 273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem

Art Unit: 1638

has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Anne Kubelik

July 15, 2008

/Anne R. Kubelik/

Primary Examiner, Art Unit 1638

  
ANNE MARIE GRUNBERG  
SUPERVISORY PATENT EXAMINER